

FEDERAL REGISTER



VOLUME 4
NUMBER 22

Washington, Thursday, February 2, 1939

The President

EXECUTIVE ORDERS

AMENDING SCHEDULES A AND B OF THE CIVIL SERVICE RULES

By virtue of and pursuant to the authority vested in me by the Constitution, by Section 1753 of the Revised Statutes (5 U. S. C. 631) by the Civil Service Act of January 16, 1883 (22 Stat. 403) and as President of the United States, Schedules A and B of the Civil Service Rules are hereby amended to read as follows:

SCHEDULE A

Positions Excepted From Examination Under Section 3, Civil Service Rule II

I. Entire Executive Civil Service

1. Chaplains.
2. Cooks, when in the opinion of the Commission it is not expedient to make appointment upon competitive examination; but this paragraph shall not apply to positions of cook at fixed locations, such as hospitals, quarantine stations, or penal institutions.
3. Positions to which appointments are made by the President without confirmation by the Senate.
4. Special attorneys employed on a temporary basis for specific litigation or other legal work where knowledge of local values or conditions or other specialized qualifications not possessed by the attorneys regularly employed by the department are required for successful results. Such temporary employment shall be only for such time as is required to complete the specific assignment for which the original appointment was approved.
5. Chinese, Japanese, and Hindu interpreters.
6. Any person receiving from one department or establishment of the Government for his personal salary compensation aggregating not more than \$540 per annum whose duties require only a portion of his time, or whose services are needed for very brief periods at intervals, provided that employment under this provision shall not be for job work

such as contemplated in section 4 of rule VIII. This paragraph does not apply to employments in Washington, D. C. The name of the employee, designation, duties, rate of pay, and place of employment shall be shown in the periodical reports of changes; and in addition, when payment is not at a per annum rate, the total service rendered and the distribution of such service during the year shall be shown in the report of changes at the end of each year or when the employee is separated from the service. The additional employment under similar conditions of such a person by another department or establishment of the Government will be subject to the approval of the Civil Service Commission.

7. Any person employed in a foreign country or in the Virgin Islands, or in any island possession of the United States in the Pacific ocean (except the Hawaiian Islands) or United States citizens employed in a confidential capacity in the Philippine Islands, when in the opinion of the Civil Service Commission it is not practicable to treat the position as in the competitive classified service; but this paragraph shall not apply to any person employed in Canada or Mexico in the service of the Immigration and Naturalization Service, Department of Labor, or to any person employed in any foreign country by the Bureau of Customs of the Treasury Department.

8. Officers and employees in the Federal service on the Isthmus of Panama, except accountant, bookkeeper, clerk, draftsman, physician, playground director, statistician, stenographer, surgeon, trained nurse, typist, and harbor personnel in the Quartermaster Corps of the War Department. Appointments to clerical positions on the Isthmus of Panama paying \$100 in United States currency per month or less may be made without examination.

9. Positions in Alaska when, in the opinion of the Commission, the use of existing registers or the establishment of new registers is considered impracticable. Former employees who served in positions excepted under this paragraph may be reinstated to positions in Alaska in the department in which they served

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Published by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. L. 500), under regulations prescribed by the Administrative Committee, with the approval of the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1 per month or \$10 per year; single copies 10 cents each; payable in advance. Remit by money order payable to Superintendent of Documents, Government Printing Office, Washington, D. C.

Correspondence concerning the publication of the FEDERAL REGISTER should be addressed to the Director, Division of the Federal Register, The National Archives, Washington, D. C.

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upon recommendation of the appointing officer and approval of the Civil Service Commission.

10. Temporary, part-time, or intermittent employments of mechanics, skilled laborers, and tradesmen on construction or repair work in the field services, in places where there is no local board of examiners of the Civil Service Commission for the employing establishment, and where the Commission deems it impracticable to establish registers of eligibles. Seasonal employments of a recurring nature are not authorized under this paragraph.

II. State Department

1. Three special assistants to the Secretary of State.

2. All employees of international commissions, congresses, conferences, and boards, except the International Joint Commission; the International Boundary Commission, United States and Mexico; and the International Boundary Commission, United States, Alaska, and Canada.

3. Chief and two assistant chiefs of the foreign service buildings office.

4. Two private secretaries or confidential assistants to the Secretary of

State, and one to each Assistant Secretary of State.

5. One private secretary or confidential assistant to the head of each bureau in the State Department appointed by the President.

6. One chauffeur for the Secretary of State.

III. Treasury Department

1. Two private secretaries or confidential assistants to the Secretary of the Treasury, and one to each Assistant Secretary of the Treasury.

2. One private secretary or confidential assistant to the head of each bureau in the Treasury Department appointed by the President.

3. Special employees in the field service of the Bureau of Narcotics; and special employees for temporary detective work in the field service of the Bureau of Internal Revenue under the appropriation for detecting and bringing to trial and punishment persons violating the internal revenue laws. Appointments under this paragraph shall be limited to persons whose services are required because of individual knowledge of violations of the law, and such appointments shall be continued only so long as the personal knowledge possessed by the appointee of such violation makes his services necessary. This exemption from competition is for special and unusual cases only and report shall be made to the Civil Service Commission by letter as soon as the appointment is made.

4. Classified positions at Government sanatoria when filled by patients during treatment or convalescence.

5. All person actually employed in leprosy, yellow fever, and psittacosis investigation stations.

6. Any local physician or dentist employed in the Public Health Service on a fee basis or a part-time basis when, in the opinion of the Commission, the establishment of registers is impracticable.

7. Employees engaged on problems in preventive medicine financed or participated in by the Treasury Department and a cooperating State, County, municipality, incorporated organization, or an individual, in which at least one-half of the expense is contributed by the cooperating agency either in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

8. Professional, technical, or scientific specialists when employed in the Public Health Service on a fee basis or part-time basis as consultants in connection with problems in preventive medicine, such appointments to be subject to the prior approval of the Commission.

9. Internes (medical and dental) in the Public Health Service.

10. Public Health Service: Research associates holding fellowships for a fixed term of service in the National Institute of Health under the act approved May 26, 1930. The qualifications for

such research associates shall be subject to approval by the Commission.

11. Bureau of Customs: Positions in foreign countries designated as "interpreter-translator" and "special employee", when filled by appointment of persons who are not citizens of the United States; and positions in foreign countries of messenger and janitor.

IV. War Department

1. Two private secretaries or confidential assistants to the Secretary of War and one to each Assistant Secretary of War.

2. One chauffeur for the Secretary of War.

3. United States Army Transport Service: Longshoremen and dock seamen employed at ports in the United States; and the following positions on transport ships: Seaman, water tender, oiler, fireman, wiper, room-bath and deck steward, messman, messboy, dishwasher, janitor, porter, scullion, silver and glass man, watchman, headwaiter, waiter, bellboy, barber, laundryman, Post Exchange steward, administrative assistant-Post Exchange, soda dispenser; and all grades of the following: Cook, baker, butcher, pantryman. The Civil Service Commission, with the concurrence of the Secretary of War, is authorized to include in the classified service any of the foregoing positions which are of a character and stability of tenure similar to those now classified.

4. Positions the duties of which are of a quasi-military nature and involve the security of secret or confidential matter, when in the opinion of the Commission they cannot be filled from registers of eligibles.

5. One consulting architect for work of reconstructing the United States Military Academy, West Point, N. Y.

6. In the Philippine Islands: artisans engaged in a recognized trade, craft or skilled (manual) occupation; helpers in such occupations; and other subordinate employees in similar manual occupations; when, in the opinion of the Commission, the establishment of registers is impracticable.

7. Caretakers of abandoned military reservations or of abandoned or unoccupied military posts when the positions are filled by retired noncommissioned officers or enlisted men.

8. Civilian professors, instructors, and teachers at the United States Military Academy, West Point, N. Y., except the following: civilian instructor of wrestling, civilian instructor of boxing, civilian instructor of gymnastics, chapel organist and choirmaster, teachers at the children's school, and librarian.

9. Physicians and surgeons employed on a fee basis or under contract when, in the opinion of the Commission, the establishment of registers is impracticable.

10. Employees at Army hospitals in the Philippines and in Puerto Rico when, in the opinion of the Commission, the

establishment of registers is impracticable.

V. Navy Department

1. Two private secretaries or confidential assistants to the Secretary of the Navy, and one to each Assistant Secretary of the Navy.

2. Professors, instructors, and teachers in the United States Naval Academy.

3. Positions the duties of which are of a quasi-naval character and involve the security of secret or confidential matter when, in the opinion of the Commission, they cannot be filled from registers of eligibles.

4. Positions of attendant and orderly at the U. S. Naval Home when filled by the appointment of beneficiaries of the Home.

5. At the naval stations at Cavite, Olongapo, and Guantanamo; artisans engaged in a recognized craft, trade, or skilled (manual) occupation; helpers in such occupations; other subordinate employees in similar manual occupations; supervisory employees over workers in these occupations; when, in the opinion of the Commission, the establishment of registers is impracticable.

VI. Department of Justice

1. Director and not more than three assistant directors of prisons.

2. Two private secretaries or confidential assistants to the Attorney General, and one to each of the following: Assistant to the Attorney General, Solicitor General, Assistant Solicitor General, and each Assistant Attorney General.

3. One chauffeur for the Attorney General.

4. Eight positions in the immediate office of the Attorney General in addition to those excepted under paragraph 2 of this subdivision.

5. Members of the board of parole.

VII. Post Office Department

1. Two private secretaries or confidential assistants to the Postmaster General, one to each Assistant Postmaster General, and one to the Solicitor of the Post Office Department.

2. One private secretary or confidential assistant to the head of each bureau (or office) in the Post Office Department in Washington, D. C., who is appointed by the President.

3. One chauffeur for the Postmaster General.

4. Two special assistants to the Postmaster General.

VIII. Department of the Interior

1. Two private secretaries or confidential assistants to the Secretary of the Interior and one to each Assistant Secretary of the Interior.

2. One chauffeur for the Secretary of the Interior.

3. The assistant to the Secretary in the office of the Secretary of the Interior.

4. Consulting engineers, geologists, and economists on reclamation work in agriculture.

5. Positions in the Bureau of Indian Affairs, Washington, D. C., and in the field, when filled by the appointment of Indians who are of one-fourth or more Indian blood.

6. One private secretary or confidential assistant to the head of each bureau in the Interior Department who is appointed by the President, and one each to the Governors of Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

7. All employees of the Neopit Lumber Mills on the Menominee Indian Reservation in Wisconsin.

8. Agricultural extension agents and home demonstration agents employed in field positions in the Indian Service, the work of which is financed jointly by the Indian Service and cooperating persons, organizations or governmental agencies outside the Federal service.

9. Local physicians and dentists employed in the Indian Service on a part-time or fee basis or under contract, when, in the opinion of the Commission, the establishment of registers is impracticable.

IX. Department of Agriculture

1. (a) Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal service.

(b) Local agents, except veterinarians, employed temporarily outside of Washington in demonstrating in their respective localities the necessity of eradicating cattle ticks, scabies, hog cholera, and apimal tuberculosis, and other contagious or infectious animal diseases.

(c) Agents employed to take and transmit meteorological observations in connection with airways, whose duties require only a part of their time, and whose compensation does not exceed \$100 per month.

In making appointments under subparagraphs (a) or (b) of this paragraph, a full report shall be submitted immediately by the Department to the Commission setting forth the name, designation, and compensation of the appointee and a statement of the duties to which he is to be assigned and of his qualifications for such duties, in such detail as to indicate clearly that the appointment is properly made under one of the above classes. The same procedure shall be followed in case of the assignment of any such agent to duties of a different character.

2. One chauffeur for the Secretary of Agriculture.

3. Two private secretaries or confidential assistants to the Secretary of Agriculture, and one to each Assistant Secretary of Agriculture.

4. Student assistants whose salaries shall not exceed a rate of \$480 a year

each while employed. Only bona fide students at high schools or colleges of recognized standing shall be eligible for appointment under this paragraph. Appointments shall not exceed six months in any one calendar year, except in exceptionally meritorious cases, and then only upon prior approval of the Commission. Appointments under this paragraph shall be reported to the Commission in such form as the Commission may prescribe.

5. Temporary, intermittent or seasonal positions in the Forest Service when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a national forest and as being dependent for livelihood primarily upon employment available within the national forest, subject to the approval of the Commission.

6. Two assistants to the Secretary in the office of the Secretary of Agriculture.

7. Any local veterinarian employed on a fee basis or a part-time basis where, in the opinion of the Commission, the establishment of registers is impracticable.

X. National Emergency Council

1. One private secretary or confidential assistant to the Executive Director.

XI. Department of Commerce

1. Two private secretaries or confidential assistants to the Secretary of Commerce, and one to each Assistant Secretary of Commerce.

2. One private secretary or confidential assistant to the head of each bureau in the Department of Commerce who is appointed by the President.

3. One chauffeur for the Secretary of Commerce.

4. Student assistants in the National Bureau of Standards whose salaries shall not exceed a rate of \$480 a year each while employed. Only bona fide students at high schools or colleges of recognized standing pursuing technical or scientific courses shall be eligible for appointment under this paragraph. Appointments shall not exceed six months in any one calendar year, except in especially meritorious cases, and then only upon prior approval of the Commission. Appointments under this paragraph shall be reported to the Commission in such form as the Commission may prescribe.

5. Seaman, deckhand, fireman, cook, mess attendant, and water tender on vessels of the Department of Commerce. The Civil Service Commission, with the concurrence of the Secretary of Commerce, is authorized to include in the classified service any of the foregoing positions which are of a character and stability of tenure similar to those now classified.

6. Six assistants to the Secretary in the office of the Secretary of Commerce.

7. Temporary appointments to such positions required in connection with the surveying operations of the field

service of the Coast and Geodetic Survey as may be authorized by the Commission after consultation with the Department of Commerce. Appointments to such positions shall not exceed six months in any one calendar year.

8. Caretakers and helpers at magnetic and seismological observatories outside continental United States.

XII. Interstate Commerce Commission

1. One private secretary or confidential assistant to each commissioner.

XIII. Department of Labor

1. Commissioners of conciliation in labor disputes whenever in the judgment of the Secretary of Labor the interests of industrial peace so require.

2. Three special assistants to the Secretary in the office of the Secretary.

3. One private secretary or confidential assistant to the head of each bureau in the Department of Labor who is appointed by the President.

4. Two private secretaries or confidential assistants to the Secretary of Labor, and one to each Assistant Secretary of Labor.

XIV. Bureau of the Budget

1. One private secretary or confidential assistant each to the Director and Assistant Director.

XV. Export-Import Bank of Washington

1. Members of the Board of Trustees.

XVI. Civil Aeronautics Authority

1. One private secretary or confidential assistant to each of the three members of the Air Safety Board.

2. Caretakers and light attendants employed on emergency landing fields and other air navigation facilities.

XVII. Railroad Retirement Board

1. One private secretary or confidential assistant to each member of the Board.

XVIII. Veterans' Administration

1. Five special assistants to the Administrator.

2. One private secretary or confidential assistant to the Administrator.

3. Professional or technical specialists when employed temporarily for consultation purposes.

4. Positions in Veterans Administration facilities when filled by the appointment of members of such facilities receiving domiciliary care if, in the opinion of the Veterans Administration, the duties can be satisfactorily performed by such members.

5. Any local physician or dentist employed on a fee basis or a part-time basis when, in the opinion of the Commission, the establishment of registers is impracticable.

XIX. Social Security Board

1. One private secretary or confidential assistant to each member of the Board.

XX. Employees' Compensation Commission

1. One private secretary or confidential assistant to each commissioner.

XXI. Farm Credit Administration

1. One private secretary or confidential assistant each to the Governor of the Farm Credit Administration, the Land Bank Commissioner, the Intermediate Credit Commissioner, the Production Credit Commissioner, and the Cooperative Bank Commissioner.

2. Positions in the Federal Intermediate Credit Banks and the Production Credit Corporations.

3. Positions in the Regional Agricultural Credit Corporations.

4. Agents employed in field positions the work of which is financed jointly by the Administration and cooperating persons, organizations, or governmental agencies outside the Federal service.

5. One general counsel, one general solicitor, and three assistants general counsel.

XXII. Federal Power Commission

1. One private secretary or confidential assistant to each commissioner.

XXIII. Securities and Exchange Commission

1. One private secretary or confidential assistant to each member of the Commission.

XXIV. National Railroad Adjustment Board

1. One private secretary or confidential assistant to each member of the Board.

XXV. National Mediation Board

1. One private secretary or confidential assistant to each member of the Board.

XXVI. National Training School for Boys

1. The superintendent of the National Training School for Boys.

XXVII. Board of Tax Appeals

1. One private secretary or confidential assistant to each member of the Board.

XXVIII. National Resources Committee

1. Professional, scientific, and technical experts employed for short periods for consultation purposes.

XXIX. Puerto Rico Reconstruction Administration

1. Physicians and dentists employed on a part-time or fee basis, and professional, scientific, or technical experts employed for short periods for consultation purposes.

XXX. Electric Home and Farm Authority

1. Members of the Board of Trustees.

XXXI. Commodity Credit Corporation

1. Members of the Board of Directors.

XXXII. Federal Deposit Insurance Corporation

1. One private secretary or confidential assistant to each member of the Board of Directors.

2. One general counsel.

3. All field positions concerned with the work of liquidating the assets of closed banks or the liquidation of loans to banks, and all temporary field positions the work of which is concerned with paying the depositors of closed insured banks.

XXXIII. Federal Prison Industries, Inc.

1. The Commissioner of Industries.

XXXIV. Alley Dwelling Authority

1. One position of counsel.

XXXV. Works Progress Administration

1. One Deputy Administrator and five Assistant Administrators.

2. One general counsel.

XXXVI. United States Maritime Commission

1. All positions on government-owned ships operated by the Commission.

SCHEDULE B

Positions Which May Be Filled Upon Noncompetitive Examination

I. Interior Department

1. Any competitive position at an Indian school when filled by the wife of a competitive employee of the school, when because of isolation or lack of quarters, the Commission deems it in the interest of the service to have appointment made upon noncompetitive examination.

2. Twelve field representatives to act as the immediate and confidential representatives of the Commissioner of Indian Affairs, subject to such evidence of qualifications as the Civil Service Commission may prescribe after consultation with the Commissioner of Indian Affairs.

II. United States Housing Authority

1. Such administrative or custodial positions in the field service of the United States Housing Authority relating to the management or maintenance of Federal low-rent housing projects which, in the opinion of the Commission, cannot be filled satisfactorily through open competitive examination; provided that no position shall be filled under this paragraph unless it is clearly demonstrated that the best interests of the service will be served thereby.

III. Department of Commerce

1. Commercial attaches and assistant commercial attaches, trade commissioners and assistant trade commissioners, and their clerks, appointed by the Secretary to investigate trade conditions abroad; and not to exceed six specialists who may be employed in the United States for the purpose of promoting the

foreign and domestic commerce of the United States.

2. Special agents employed in collecting cotton statistics.

IV. War Department

1. Positions of military storekeeper in the Signal Service at Large when filled by retired noncommissioned officers of the Signal Corps.

2. Four positions of headquarters messenger at the headquarters of the Philippine Department, when filled by honorably discharged enlisted men who have been on duty at those headquarters.

3. Any person employed in an area outside the continental limits of the United States (except the Canal Zone and Alaska), when in the opinion of the Secretary of War the best interests of the service so require.

4. Classified positions in the Ordnance Department at Large, War Department, when filled by the promotion of unclassified laborers appointed under the Labor Regulations, subject to the approval of the Commission.

V. District of Columbia

1. Surgeons of the police and fire departments of the District of Columbia.

VI. Treasury Department

1. Classified positions in the Custodian Service when filled by the promotion of unclassified laborers appointed under the Labor Regulations, subject to the approval of the Commission.

VII. State Department

1. Specialists in foreign relations, political, economic, and financial, whose proposed compensation is \$3,200 or more, and whose training and experience along the lines of their proposed duties meet the standard minimum qualifications set up in open competitive examinations for positions in the professional service for corresponding grades.

2. Persons formerly employed abroad as United States diplomatic or consular officers of career or foreign-service officers of career for the period of at least four years, for service in the Department of State as administrative officers or executive advisers in positions comparable in salary with the associate professional grade or higher.

VIII. Navy Department

1. Such positions of a professional, scientific, technical, or supervisory nature under the Naval Establishment in the Philippine Islands, as may be agreed upon by the Secretary of the Navy and the Civil Service Commission.

2. Any person employed in an area outside the continental limits of the United States (except the Canal Zone and Alaska), when in the opinion of the Secretary of the Navy the best interests of the service so require.

3. Classified positions in the field service of the Navy Department and the Ma-

rine Corps when filled by the promotion of unclassified laborers appointed under the Labor Regulations, subject to the approval of the Commission.

IX. Post Office Department

1. One postal rate expert.

X. Veterans' Administration

1. Classified positions in the Veterans' Administration when filled by the promotion of unclassified laborers appointed under the Labor Regulations, subject to the approval of the Commission.

The Civil Service Commission with the concurrence of the department or agency concerned may revoke in whole or in part any paragraph of Schedule A or B.

Final decision as to whether the duties of any position in the executive civil service are such that appointments thereto are authorized under any paragraph of Schedule A or B shall rest with the Civil Service Commission.

This order shall be effective February 1, 1939.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 31, 1939.

[No. 8043]

[F. R. Doc. 39-374; Filed, February 1, 1939;
10:29 a. m.]

EXECUTIVE ORDER

POSTPONING THE EFFECTIVE DATE OF EXECUTIVE ORDER No. 7916 OF JUNE 24, 1938, WITH RESPECT TO CERTAIN POSITIONS AND PROVIDING FOR A COMMITTEE TO INVESTIGATE AND REPORT METHODS FOR SELECTING AND PROMOTING CERTAIN PERSONNEL IN CIVIL SERVICE

By virtue of and pursuant to the authority vested in me by the Constitution, by section 1753 of the Revised Statutes (U. S. C., title 5, sec. 631), by the Civil Service Act of January 16, 1883 (22 Stat. 403, 404), and as President of the United States, it is hereby ordered as follows:

1. Until further order, Executive Order No. 7916 of June 24, 1938,¹ is suspended and made inoperative in so far as it covers into the competitive classified civil service as of February 1, 1939:

(a) Positions to which, in the opinion of the Civil Service Commission, it is not practicable to make appointment upon competitive examination.

(b) Positions the duties of which are determined, with the concurrence of the Civil Service Commission, to be of a highly confidential character.

(c) Professional and scientific positions.

(d) Positions in the Inland Waterways Corporation.

¹ 3 F. R. 1526 DL.

(e) Such administrative and technical positions as are defined in this order.

2. As used in this order the term "administrative and technical positions" shall mean all classes of positions:

(a) The duties of which are to perform the most difficult and responsible office work along specialized and technical lines requiring extended training and experience, and the exercise of independent judgment, or to supervise a large or important office organization engaged in work involving extended training and considerable experience on the part of the employees, and all positions of a higher grade.

(b) The duties of which are to perform difficult and important investigative services, being mostly on criminal or quasi-criminal cases, or cases requiring similar investigative procedures, and all positions of a higher grade.

3. A committee is hereby appointed consisting of the following:

Mr. Justice Stanley Reed, Chairman
Mr. Justice Felix Frankfurter
Attorney General Frank Murphy
William H. McReynolds, Administrative Assistant to the Secretary of the Treasury
Mr. Leonard D. White
General Robert E. Wood
Mr. Gano Dunn

Such committee shall make a comprehensive study of methods of recruiting, testing, selecting, promoting, transferring, removing and reinstating personnel for the positions to which this order relates, and report to the President as soon as possible its recommendations thereon.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 31, 1939.

[No. 8044]

[F. R. Doc. 39-375; Filed, February 1, 1939;
10:29 a. m.]

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT FARM CREDIT ADMINISTRATION

[FCA 122]

AUTHORITY, AND DESIGNATION OF ORDER OF PRECEDENCE, OF DEPUTY LAND BANK COMMISSIONERS AND CHIEF, APPRAISAL SUBDIVISION, TO ACT AS LAND BANK COMMISSIONER

JANUARY 31, 1939.

Sec. 3.6 of Title 6, Code of Federal Regulations, is amended to read as follows:

"SEC. 3.6 *Authority and designation of order of precedence of Deputy Land Bank Commissioners and Chief, Appraisal Subdivision, to act as Land Bank*

Commissioner. W. E. Rhea, Deputy Land Bank Commissioner, is hereby authorized and empowered to perform any and all functions, powers, authority, and duties which the Land Bank Commissioner is authorized and empowered to perform in the event said Commissioner is absent or unable to serve for any reason.

"W. J. McAnelly, Deputy Land Bank Commissioner, is hereby authorized and empowered to perform any and all functions, powers, authority, and duties which the Land Bank Commissioner is authorized and empowered to perform in the event said Commissioner and Deputy Land Bank Commissioner Rhea are absent or unable to serve for any reason.

"J. R. Isleib, Deputy Land Bank Commissioner, is hereby authorized and empowered to perform any and all functions, powers, authority, and duties which the Land Bank Commissioner is authorized and empowered to perform in the event said Commissioner and Deputy Land Bank Commissioners Rhea and McAnelly are absent or unable to serve for any reason.

"P. L. Gaddis, Chief, Appraisal Subdivision, is hereby authorized and empowered to perform any and all functions, powers, authority, and duties which the Land Bank Commissioner is authorized and empowered to perform in the event said Commissioner and Deputy Land Bank Commissioners Rhea, McAnelly, and Isleib are absent or unable to serve for any reason. E. O. 6084; March 27, 1933, 6 CFR 1.1 (12); Sec. 39, 48 Stat. 50, 12 U. S. C. 637; Sec. 40, 48 Stat. 51, 12 U. S. C. 636.) [FCA Order No. 252, January 31, 1939]"

[SEAL]

F. F. HILL,
Governor.[F. R. Doc. 39-378; Filed, February 1, 1939;
12:12 p. m.]

TITLE 7—AGRICULTURE

BUREAU OF ENTOMOLOGY AND
PLANT QUARANTINE

[B. E. P. Q.—487]

SEC. 301.64a—ADMINISTRATIVE
INSTRUCTIONS

MODIFYING THE RESTRICTIONS OF THE
MEXICAN FRUITFLY QUARANTINE BY EX-
TENDING THE HARVESTING SEASON ON
VALENCIA ORANGES FROM APRIL 30 TO
JUNE 15, 1939

JANUARY 27, 1939.

Under authorization vested in the Chief of the Bureau of Entomology and Plant Quarantine in the third proviso of Notice of Quarantine No. 64¹ (Sec. 301.64), it having been determined by me that a modification may be safely made without increasing the risk of spread of the Mexican fruitfly, Section A of Regulation 7² supplemental to this

quarantine is hereby modified to extend the harvesting season for Valencia oranges to the close of June 15 for the year 1939, provided conditions of infestations do not necessitate an earlier closing date.

The host-free period for Valencia oranges, under this modification, will begin June 16 and continue to August 31, 1939, inclusive.

This modification does not affect or alter the harvesting season for grapefruit which closes, under the conditions of the above regulation, on April 30.

(Sec. 301.64) [B. E. P. Q.—487, Jan. 27, 1939]

[SEAL]

LEE A. STRONG,
Chief.[F. R. Doc. 39-380; Filed, February 1, 1939;
12:17 p. m.]AGRICULTURAL ADJUSTMENT
ADMINISTRATION

[ACP—1939, Supp. 7]

PART 701—1939 AGRICULTURAL CONSERVA-
TION PROGRAM BULLETIN

SUPPLEMENT 7

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1939 Agricultural Conservation Program Bulletin, as approved November 10, 1938,¹ is hereby amended as follows:

Subparagraph (2) of paragraph (a) of Section 701.6 is amended by striking out all of subdivision (i) thereof and inserting in lieu thereof the following:

"Where reliable records of the actual average yield per acre of corn for the 10 years, 1929 to 1938, or of wheat for the 10 years 1928 to 1937, as the case may be, are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields adjusted for trends and abnormal weather conditions in accordance with instructions issued by the Agricultural Adjustment Administration."

Subparagraph (2) of paragraph (a) of Section 701.6, as amended, is hereby further amended by the addition of a fourth subdivision which shall be and read as follows:

(iv) The 1939 county normal yields of corn for the commercial corn-producing area, as established by the Secretary pursuant to subdivision (iii) of this subparagraph (2), are as follows:

County and Normal Yield of Corn
(Bushels per acre)

ILLINOIS	
Adams	36.2
Alexander	28.4
Bond	25.4
Boone	36.1

¹ 3 F. R. 2715 DI.

ILLINOIS—Continued

Brown	35.0
Bureau	42.5
Calhoun	37.9
Carroll	42.0
Cass	35.3
Champaign	41.0
Christian	34.5
Clark	33.5
Clay	22.0
Clinton	29.3
Coles	33.4
Cook	34.0
Crawford	30.0
Cumberland	27.4
De Kalb	43.7
De Witt	36.5
Douglas	38.3
Du Page	35.2
Edgar	30.0
Edwards	30.5
Effingham	25.8
Fayette	23.0
Ford	39.0
Fulton	30.0
Gallatin	29.2
Greene	30.0
Grundy	35.0
Hamilton	22.5
Hancock	30.0
Hardin	24.3
Henderson	40.2
Henry	43.0
Iroquois	30.8
Jackson	28.0
Jasper	25.4
Jersey	33.4
Jo Daviess	40.4
Johnson	22.7
Kane	40.3
Kankakee	34.0
Kendall	35.3
Knox	41.8
Lake	35.2
La Salle	40.5
Lawrence	29.8
Lee	40.5
Livingston	38.3
Logan	38.7
McDonough	38.2
McHenry	35.0
McLean	38.7
Macon	39.4
Macoupin	31.8
Madison	32.3
Marion	23.5
Marshall	39.5
Mason	33.4
Massac	29.0
Menard	37.0
Mercer	41.4
Monroe	34.8
Montgomery	30.5
Morgan	38.0
Moultrie	35.4
Ogle	39.0
Peoria	39.0
Perry	21.4
Piatt	39.4
Pike	30.0
Pope	23.5
Pulaski	27.5
Putnam	43.3
Randolph	28.2
Richland	24.3
Rock Island	41.0
Saint Clair	32.3
Saline	27.5
Sangamon	38.0
Schuyler	37.0
Scott	38.2
Shelby	31.2
Stark	39.7
Stephenson	39.9
Tazewell	39.5
Union	27.8
Vermillion	36.0
Wabash	34.3
Warren	41.3
Washington	23.2
Wayne	21.7
White	29.1
Whiteside	42.0
Will	33.0
Winnebago	37.2
Woodford	41.5

¹ 2 F. R. 2226 (2586 DI).² 2 F. R. 2228 (2588 DI).

INDIANA

Adams	39.8
Allen	36.6
Bartholomew	35.0
Benton	34.9
Blackford	34.3
Boone	35.6
Carroll	39.6
Cass	37.4
Clay	31.5
Clinton	38.4
Davies	31.5
Dearborn	29.3
Decatur	38.8
De Kalb	34.1
Delaware	40.1
Dubois	32.1
Elkhart	31.6
Fayette	41.5
Fountain	33.7
Franklin	39.1
Fulton	35.9
Gibson	33.2
Grant	41.0
Greene	33.2
Hamilton	38.6
Hancock	38.4
Hendricks	35.8
Henry	36.4
Howard	43.9
Huntington	38.5
Jackson	30.6
Jasper	30.8
Jay	34.1
Jennings	29.4
Johnson	40.1
Knox	32.8
Kosciusko	36.4
Lagrange	33.5
Lake	33.1
La Porte	32.8
Lawrence	29.9
Madison	41.2
Marion	33.8
Marshall	34.2
Martin	31.3
Miami	39.8
Montgomery	36.0
Morgan	35.3
Newton	33.1
Noble	36.1
Orange	28.6
Owen	30.2
Parke	34.0
Pike	29.8
Porter	31.3
Posey	32.8
Pulaski	30.4
Putnam	33.5
Randolph	37.9
Ripley	27.4
Rush	42.7
Saint Joseph	32.2
Scott	25.4
Shelby	35.4
Spencer	28.8
Starke	30.4
Steuben	33.0
Sullivan	31.4
Tippecanoe	34.4
Tipton	44.3
Union	43.1
Vanderburgh	35.8
Vermillion	29.9
Vigo	30.4
Wabash	40.0
Warren	33.3
Warrick	28.6
Washington	28.1
Wayne	38.3
Wells	38.8
White	34.2
Whitley	36.7

IOWA

Adair	36.2
Adams	34.1
Allamakee	39.7
Audubon	38.3
Appanoose	27.5
Benton	43.7
Black Hawk	40.8
Boone	41.7
Bremer	38.3
Buchanan	36.3
Buena Vista	41.3
Butler	37.4

IOWA—Continued

Calhoun	41.4
Carroll	39.6
Cass	36.0
Cedar	47.7
Cerro Gordo	36.1
Cherokee	37.9
Chickasaw	32.9
Clarke	30.5
Clay	38.8
Clayton	43.3
Clinton	44.2
Crawford	33.5
Dallas	41.8
Davis	27.7
Decatur	27.3
Delaware	40.2
Des Moines	38.8
Dickinson	36.6
Dubuque	40.7
Emmet	39.7
Fayette	37.7
Floyd	36.9
Franklin	40.7
Freemont	34.1
Greene	39.0
Grundy	43.7
Guthrie	36.4
Hamilton	42.8
Hancock	39.8
Hardin	42.1
Harrison	31.7
Henry	41.2
Howard	32.1
Humboldt	43.3
Ida	34.4
Iowa	42.9
Jackson	42.0
Jasper	42.1
Jefferson	33.5
Johnson	43.1
Jones	45.2
Keokuk	38.7
Kossuth	40.0
Lee	32.3
Linn	41.0
Louisa	38.0
Lucas	29.2
Lyon	34.1
Madison	37.6
Mahaska	38.5
Marion	37.7
Marshall	43.3
Mills	36.8
Mitchell	36.8
Monona	32.9
Monroe	28.9
Montgomery	37.1
Muscatine	42.0
O'Brien	41.2
Osceola	37.7
Page	34.1
Palo Alto	38.7
Plymouth	31.3
Pocahontas	42.1
Polk	40.7
E. Pottawattamie	38.6
W. Pottawattamie	35.8
Poweshiek	42.8
Ringgold	27.6
Sac	38.0
Scott	47.3
Shelby	38.0
Sioux	35.2
Story	43.1
Tama	43.6
Taylor	29.7
Union	32.5
Van Buren	29.3
Wapello	33.3
Warren	37.4
Washington	42.6
Wayne	27.9
Webster	41.8
Winnebago	39.6
Winneeshiek	39.4
Woodbury	30.6
Worth	37.3
Wright	41.8

MICHIGAN

Branch	30.0
Calhoun	31.0
Cass	28.8
Hillsdale	32.2
Jackson	31.7
Kalamazoo	29.7

MICHIGAN—Continued

Lenawee	34.9
Monroe	37.3
Saint Joseph	27.6
Washtenaw	33.1
Wayne	29.5

MINNESOTA

Big Stone	24.8
Blue Earth	37.8
Brown	36.2
Carver	44.2
Chippewa	29.0
Cottonwood	33.4
Dakota	34.0
Dodge	34.7
Faribault	38.8
Fillmore	37.4
Freeborn	39.8
Goodhue	38.5
Grant	22.5
Houston	43.0
Jackson	37.2
Kandiyohi	32.3
Lac Qui Parle	24.9
Le Sueur	40.7
Lincoln	25.7
Lyon	29.1
McLeod	38.2
Martin	40.7
Meeker	31.9
Mower	36.2
Murray	31.6
Nicollet	40.9
Nobles	37.0
Olmsted	37.2
Pipestone	27.9
Redwood	32.7
Renville	34.9
Rice	39.4
Rock	32.5
Scott	40.7
Sibley	20.8
Steele	40.4
Stevens	26.2
Swift	27.4
Traverse	22.6
Wabasha	37.3
Wadena	38.2
Watonwan	36.0
Winona	37.6
Wright	31.7
Yellow Medicine	31.2

MISSOURI

Adair	26.3
Andrew	27.9
Atchison	30.9
Audrain	21.0
Bates	18.6
Benton	20.1
Boone	25.6
Buchanan	30.4
Caldwell	24.2
Callaway	22.7
Cape Girardeau	26.1
Carroll	26.5
Cass	20.5
Chariton	27.1
Clark	27.2
Clay	25.8
Clinton	25.9
Cooper	23.5
Davies	25.4
De Kalb	23.5
Dunklin	23.8
Gentry	24.7
Grundy	24.5
Harrison	25.7
Henry	17.3
Holt	39.1
Howard	23.0
Jackson	25.2
Johnson	20.9
Knox	24.4
Lafayette	28.7
Lewis	26.0
Lincoln	25.4
Linn	26.2
Livingston	25.4
Macon	23.8
Marion	29.7
Mercer	25.6
Mississippi	25.3
Moniteau	22.8
Monroe	26.0
Montgomery	24.4

Missouri—Continued

New Madrid	24.4
Nodaway	25.9
Pemiscot	25.1
Perry	25.5
Pettis	22.8
Pike	28.8
Platte	28.8
Putnam	27.3
Ralls	26.3
Randolph	24.6
Ray	26.2
Saint Charles	33.1
Saint Clair	17.8
Saline	29.1
Schuyler	26.8
Scotland	26.3
Scott	24.9
Shelby	25.3
Stoddard	22.3
Vernon	17.6
Worth	23.6

NEBRASKA

Adams	17.9
Antelope	19.3
Boone	21.9
Buffalo	19.7
Burt	34.2
Butler	26.8
Cass	28.4
Cedar	24.6
Chase	16.4
Clay	19.2
Colfax	28.6
Cuming	33.4
Custer	16.5
Dakota	30.6
Dawson	21.8
Dixon	28.0
Dodge	31.0
Douglas	30.9
Fillmore	22.9
Franklin	16.0
Frontier	16.5
Furnas	18.5
Gage	23.2
Gosper	16.6
Greeley	18.4
Hall	20.9
Hamilton	21.4
Harlan	16.2
Hayes	16.2
Hitchcock	17.0
Howard	19.2
Jefferson	21.6
Johnson	24.0
Kearney	16.7
Knox	19.9
Lancaster	25.9
Lincoln	16.4
Madison	27.5
Merrick	21.3
Nance	24.1
Nemaha	29.5
Nuckolls	17.5
Otoe	27.1
Pawnee	23.0
Perkins	16.7
Phelps	18.3
Pierce	26.2
Platte	26.7
Polk	27.8
Redwillow	16.3
Richardson	28.3
Saline	23.0
Sarpy	30.2
Saunders	27.2
Seward	26.8
Sherman	17.0
Stanton	27.7
Thayer	18.1
Thurston	30.8
Valley	18.0
Washington	32.2
Wayne	29.0
Webster	16.6
York	25.4

OHIO

Adams	27.8
Allen	38.8
Ashland	34.1
Auglaize	38.6
Brown	27.8

OHIO—Continued

Butler	36.6
Champaign	39.8
Clark	41.0
Clermont	27.4
Clinton	39.7
Coshocton	38.7
Crawford	37.7
Darke	38.6
Defiance	35.6
Delaware	36.5
Erie	39.2
Fairfield	41.7
Fayette	41.4
Franklin	39.6
Fulton	40.0
Greene	41.3
Hamilton	37.1
Hancock	37.9
Hardin	38.6
Henry	39.9
Highland	33.4
Holmes	37.5
Huron	34.4
Knox	39.5
Licking	40.0
Logan	36.5
Lorain	38.8
Lucas	41.2
Madison	37.1
Marion	35.7
Medina	35.2
Mercer	39.6
Miami	40.5
Montgomery	37.5
Morrow	35.5
Muskingum	37.6
Ottawa	37.6
Paulding	34.3
Perry	36.1
Pickaway	43.0
Pike	32.8
Preble	41.6
Putnam	38.2
Richland	36.2
Ross	40.8
Sandusky	39.1
Scioto	38.0
Seneca	37.2
Shelby	38.4
Union	36.9
Van Wert	39.3
Warren	35.3
Wayne	40.1
Williams	37.6
Wood	38.9
Wyandot	37.5

SOUTH DAKOTA

Bon Homme	17.7
Brookings	20.9
Clay	24.7
Deuel	19.1
Grant	19.0
Hanson	14.2
Hutchinson	16.2
Kingsbury	16.3
Lake	20.8
Lincoln	25.6
McCook	18.9
Minnehaha	24.4
Moody	24.1
Roberts	18.3
Turner	20.8
Union	29.7
Yankton	19.2

WISCONSIN

Columbia	34.8
Crawford	34.9
Dane	35.4
Grant	36.5
Green	34.3
Iowa	34.2
Jefferson	36.9
Lafayette	35.0
Richland	34.8
Rock	35.8
Sauk	33.8
Walworth	36.9

KANSAS

Anderson	17.8
Atchison	25.3
Brown	26.8

KANSAS—Continued

Coffey	19.4
Doniphan	30.3
Douglas	23.2
Franklin	19.1
Jackson	21.1
Jefferson	23.6
Jewell	15.0
Johnson	23.1
Leavenworth	23.0
Linn	17.4
Marshall	20.6
Miami	20.7
Nemaha	23.3
Norton	17.2
Osage	20.3
Phillips	17.5
Pottawatomie	24.5
Republic	17.2
Riley	23.0
Shawnee	23.4
Smith	14.1
Washington	19.4

KENTUCKY

Ballard	23.0
Carlisle	23.0
Davies	20.1
Fulton	27.5
Henderson	27.2
Hickman	25.0
Union	29.4
Webster	23.3

Done at Washington, D. C., this 31st day of January, 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 39-379; Filed, February 1, 1939; 12:17 p. m.]

TITLE 24—HOUSING CREDIT

FEDERAL HOME LOAN BANK BOARD

AMENDMENT TO RULES AND REGULATIONS FOR THE FEDERAL SAVINGS AND LOAN SYSTEM

PROVIDING FOR NOTICE OF HEARINGS ON PETITIONS FOR CHARTERS TO BE MAILED TO STATE SUPERVISORS

Be it resolved, That pursuant to authority vested in the Federal Home Loan Bank Board by subsection (a) of section 5 of the Home Owners' Loan Act of 1933 (12 U. S. C. 1464 (a)) the second sentence of paragraph b of section 102.029 of the Rules and Regulations for the Federal Savings and Loan System is hereby amended to read as follows:

"The applicants shall promptly cause a notice in the form prescribed in paragraph e of this section to be published in a newspaper printed in the English language of general circulation in the county in which the proposed Federal association will have its home office; and the applicants shall promptly cause a similar notice to be mailed to the State supervisor of home-financing institutions of the State in which the home office of the proposed Federal association will be located."

Be it further resolved, That such amendment, being deemed to be of a

minor and procedural character, shall become effective February 1, 1939.

Adopted by the Federal Home Loan Bank Board on January 31, 1939.

[SEAL]

R. L. NAGLE,
Secretary.

[F. R. Doc. 39-373; Filed, February 1, 1939;
10:11 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

National Bituminous Coal Commission.

[General Docket No. 15]

ESTABLISHMENT OF MINIMUM PRICES AND MARKETING RULES AND REGULATIONS: DETERMINATIONS OF WEIGHTED AVERAGE OF TOTAL COSTS OF TONNAGE PRODUCED WITHIN MINIMUM PRICE AREAS NOS. 4, 6, 7, 9 AND 10

ORDER FOR AND NOTICE OF RESUMPTION OF HEARING IN THE MATTER OF THE DETERMINATIONS OF THE WEIGHTED AVERAGE OF THE TOTAL COSTS OF THE TONNAGE PRODUCED WITHIN MINIMUM PRICE AREAS 4, 6, 7, 9 AND 10; AND PROVIDING FOR THE AVAILABILITY OF INDIVIDUAL COST REPORTS FOR INSPECTION BY INTERESTED PARTIES

Pursuant to Act of Congress entitled, "An Act to regulate interstate commerce in bituminous coal, and for other purposes," (Public, No. 48, 75th Cong., 1st Sess.) known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders and directs:

1. That the Secretary of the Commission be and he is hereby directed to cause the verified cost reports of the individual producers within each of Minimum Price Areas 4, 6, 7, 9 and 10, submitted to the Commission pursuant to Orders Nos. 15 and 29,¹ to be made available for inspection during business hours on and after February 6, 1939, at the offices of the Commission, Central Savings Bank Building, Denver, Colorado, by those interested parties who have filed appearances in this proceeding. Notice of appearance may be filed with the Commission at the Secretary's Office, Washington, D. C., or at the offices of the Commission, Central Savings Bank Building, Denver, Colorado.

2. That the hearing in the matter of the determination of the weighted average of the total costs per net ton of the tonnage produced in each of Minimum Price Areas 4, 6, 7, 9 and 10 be resumed, and notice is hereby given that the Commission will, on the twenty-third day of February, 1939, at ten o'clock, a. m., in its Hearing Room in the Albany Hotel, Denver, Colorado, afford all interested parties further opportunity to introduce

affirmative evidence and to cross-examine witnesses as to the correctness of the composite reports heretofore introduced in evidence in this proceeding.

3. That any interested party desiring to avail himself of the opportunity to introduce affirmative evidence or to cross-examine any witness shall, not later than three days preceding the date of said resumed hearing, file with the Commission at its office in the Central Savings Bank Building, Denver, Colorado, a written statement setting forth the nature of such affirmative evidence and/or the names of the witnesses to be cross-examined.

4. That the Secretary be and he is hereby directed to cause a copy of this order and notice to be published forthwith in the FEDERAL REGISTER and in two consecutive issues of a newspaper of general circulation in each of Districts Nos. 14, 16, 17, 18, 19, 20, 22 and 23, and shall cause copies hereof to be mailed to each code member, to the Consumers' Counsel, to the Secretary of each District Board, and to all parties who have entered appearances in this proceeding, and shall cause copies hereof to be made available for inspection by interested parties at each of the Statistical Bureaus of the Commission.

By order of the Commission.

Dated this 31st day of January, 1939.

[SEAL] F. WITCHER McCULLOUGH,
Secretary.

[F. R. Doc. 39-382; Filed, February 1, 1939;
12:39 p. m.]

[General Docket No. 15]

ESTABLISHMENT OF MINIMUM PRICES AND MARKETING RULES AND REGULATIONS: DETERMINATIONS OF WEIGHTED AVERAGE OF TOTAL COSTS OF TONNAGE PRODUCED WITHIN MINIMUM PRICE AREAS 1, 2, 3, AND 5

ORDER PROVIDING FOR THE AVAILABILITY OF INDIVIDUAL COST REPORTS FOR INSPECTION BY INTERESTED PARTIES

Whereas, the Commission by its Order herein, dated December 6, 1938,¹ directed that the verified cost reports of the individual producers within Minimum Price Areas Nos. 1, 2, 3, and 5, as submitted to the Commission pursuant to Orders Nos. 15 and 29,² be made available for inspection at a time and place therein specified; and

Whereas, The Commission by its Order herein, dated December 14, 1938,³ postponed the date upon which such individual cost reports of producers within Minimum Price Areas 1, 2, 3, and 5 were to be made available for inspection by interested parties, to a date to be later designated by further order of the Commission; and

¹ 3 F. R. 2887 DI.

² 2 F. R. 1234, 1347 (1477, 1606 DI).

³ 3 F. R. 3027 DI.

Whereas, Said Order dated December 6, 1938 further provided that the hearing in the matter of the weighted average of the total costs per net ton of the tonnage produced in Minimum Price Areas 1, 2, 3, and 5, be re-opened, and interested parties be afforded further opportunity to introduce affirmative evidence and to cross-examine the witnesses as to the correctness of the composite reports heretofore introduced in evidence at the aforesaid hearing within this proceeding, upon proper notice, at a time and place to be later designated by the Commission;

Now, therefore, Pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public No. 48, 75th Cong., 1st Sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders and directs:

1. That the Secretary of the Commission be, and he is hereby, directed to cause the verified cost reports of the individual producers within each of Minimum Price Areas 1, 2, 3, and 5 submitted to the Commission pursuant to Orders Nos. 15 and 29, to be made available for inspection during business hours on and after February 6, 1939, at the offices of the Commission, Washington, D. C., by those interested parties who have filed appearances in this proceeding. Notices of appearance may be filed with the Commission at the Secretary's Office, Washington, D. C.

2. That the Secretary be, and he is hereby, directed to cause a copy of this Order to be published forthwith in the FEDERAL REGISTER and in two consecutive issues of a newspaper of general circulation in each of Districts Nos. 1 to 13, inclusive, and District No. 15, and shall cause copies hereof to be mailed to each code member, to the Consumers' Counsel, to the Secretary of each District Board, and to all parties who have entered appearances in this proceeding, and shall cause copies hereof to be made available for inspection by interested parties at each of the Statistical Bureaus of the Commission.

By order of the Commission.

Dated this 31st day of January, 1939.

[SEAL] F. WITCHER McCULLOUGH,
Secretary.

[F. R. Doc. 39-383; Filed, February 1, 1939;
12:39 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of January, A. D. 1939.

¹ 2 F. R. 1234, 1347 (1477, 1606 DI).

[File No. 32-123]

IN THE MATTER OF COLUMBUS AND SOUTHERN OHIO ELECTRIC COMPANY

SUPPLEMENTAL ORDER

The issue and sale by Columbus and Southern Ohio Electric Company, a subsidiary of Continental Gas & Electric Corporation, a registered holding company, of \$1,900,000 in principal amount of First Mortgage and Collateral Trust Bonds, 3¼% Series due 1968, having been exempted by the order of the Commission entered herein on December 23, 1938, from the provisions of section 6 (a) of the Public Utility Holding Company Act of 1935, in accordance with the application, as amended, of said Company for such exemption filed with the Commission pursuant to the provisions of section 6 (b) of said Act, with the exception that the Commission in said order of December 23, 1938 reserved jurisdiction to determine, at a later date, whether the fee of \$9,500 to be paid to Dillon, Read & Co. in connection with the issue and sale of said bonds, is or is not reasonable;

The Commission having given further consideration to the record in this matter:

It is ordered, That the Commission hereby relinquishes jurisdiction over the matter of such fee and the payment thereof; and

It is further ordered, That the following condition contained in sub-paragraph (b) of the Commission's order of December 23, 1938 which reads as follows:

"provided, however, that no fee shall be paid to Dillon, Read & Co. in connection with the issue and sale of the said bonds pending further order of this Commission;"

be no longer in effect.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-376; Filed, February 1, 1939;
11:22 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of February, A. D. 1939.

IN THE MATTER OF THE UNITED TELEPHONE AND ELECTRIC COMPANY

Including related matters arising upon the following designated application:

William C. A. Henry, File No. 55-13; B. F. Napheys, Jr., File No. 55-13; Stewart Lynch, File No. 55-13; Clyde L. Paul, File No. 55-15; Haysler A. Poague, File No. 55-16; J. K. Johnston, File No. 55-17; Richards, Layton & Fin-

ger, File No. 55-18; A. E. Buenning, File No. 55-19; Elliott S. Belden, File No. 55-19; D. J. Eisenhower, File No. 55-19; A. Z. Patterson, File No. 55-20; Henry S. Buzick, File No. 55-21; John W. Huxley, Jr., File No. 55-22; Planters State Bank, File No. 55-23; R. W. Samuelson, File No. 55-24; Clarence A. Southerland, File No. 55-25; Burch, Litowich & Royce, File No. 55-26; Louis R. Gates, File No. 55-27; Louis R. Gates, File No. 55-28; B. I. Litowich, File No. 55-29; Henry S. Buzick, R. W. Samuelson and R. W. Dockstader, acting as Buzick 7% Preferred Stockholders Committee, File No. 55-30; The Union National Bank, File No. 55-31; Bowersock, Fizzell & Rhodes, File No. 55-32; Bowersock, Fizzell & Rhodes, File No. 55-33; R. W. Dockstader, File No. 55-34; Haskins & Sells, File No. 55-35

NOTICE OF AND ORDER FOR HEARING

Applications pursuant to Section 11 (f) and Rule U-11F-2 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties, and the Commission having given consideration to the preferences expressed by the applicants as to the place where such hearing is to be held;

It is ordered, That a hearing on the applications filed pursuant to Section 11 (f) and Rule U-11F-2 of the Public Utility Holding Company Act of 1935 by William C. A. Henry, Stewart Lynch, B. F. Napheys, Jr., Clyde L. Paul, Richard, Layton & Finger, Clarence A. Southerland, John W. Huxley, Jr., and Haskins & Sells be held on February 14, 1939, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C.; and

It is further ordered, That a hearing on the applications filed pursuant to Section 11 (f) and Rule U-11F-2 of the Public Utility Holding Company Act of 1935 by Louis R. Gates, J. K. Johnston, Haysler A. Poague, Bowersock, Fizzell & Rhodes, The Union National Bank, Henry S. Buzick, R. W. Dockstader, R. W. Samuelson, Burch, Litowich & Royce, the Planters State Bank, A. E. Buenning, D. J. Eisenhower, Elliott S. Belden, A. Z. Patterson, B. I. Litowich, Louis R. Gates as Chairman of Reorganization Managers, Bowersock, Fizzell & Rhodes as counsel for Reorganization Managers, Henry S. Buzick, R. W. Samuelson and R. W. Dockstader, acting as Buzick 7% Preferred Stockholders Committee, be held on February 21, 1939, at ten o'clock in the forenoon of that day, at the United States Main Post Office Building, Pershing Road and Broadway, Kansas City, Missouri;

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at both hearings in this matter. The officer so designated to preside at any such hearing is

hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time;

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before February 11, 1939.

The matter concerned herewith is in regard to applications, as set forth below, made pursuant to Rule U-11F-2 requesting the approval of the Commission of a maximum amount of final compensation for services rendered in connection with the reorganization of The United Telephone and Electric Company in the United States District Court in the District of Delaware and for reimbursement in a stated maximum amount for expenses incurred in connection with such reorganization.

TO BE HEARD AT WASHINGTON, D. C.

1. William C. A. Henry, trustee of The United Telephone and Electric Company, final compensation in the maximum amount of \$52,500 and reimbursement for expenses in the maximum amount of \$3,122.53, and payment at the maximum rate of \$1500 per month from January 1, 1939 until discharged by the court;

2. Stewart Lynch, counsel for trustee of The United Telephone and Electric Company, final compensation in the maximum amount of \$50,000 and reimbursement for expenses in the maximum amount of \$3,114.22;

3. B. F. Napheys, Jr., counsel for trustee of The United Telephone and Electric Company, final compensation in the maximum amount of \$50,000 and reimbursement for expenses in the maximum amount of \$2,788.41;

4. Clyde L. Paul, member of Gates 6% Preferred Stockholders Committee, final compensation in the maximum amount of \$9,000 and reimbursement for expenses in the maximum amount of \$1,145.17;

5. Richards, Layton & Finger, counsel to Buzick 7% Preferred Stockholders Committee of The United Telephone and Electric Company, final compensation in the maximum amount of \$1,500;

6. Clarence A. Southerland, counsel to Reorganization Managers, final compensation in the maximum amount of \$2,500 and reimbursement for expenses in the maximum amount of \$67.21;

7. John W. Huxley, Jr., counsel to the Polson 7% Preferred Stockholders Committee, final compensation in the maximum amount of \$3,456.00 and reimbursement for expenses in the maximum amount of \$29.25;

8. Haskins & Sells, accountants for Trustee of The United Telephone and Electric Company, final compensation in the maximum amount of \$20,423.17 and reimbursement for expenses in the maximum amount of \$4,774.42;

TO BE HEARD AT KANSAS CITY, MISSOURI

1. Louis R. Gates, Chairman of Reorganization Managers, final compensation in the maximum amount of \$16,500 and reimbursement for expenses in the maximum amount of \$15,795.56;

2. Bowersock, Fizzell and Rhodes as counsel to the Reorganization Managers, final compensation in the maximum amount of \$11,500;

3. A. Z. Patterson, member of and counsel to Reorganization Managers, final compensation in the maximum amount of \$15,275 and reimbursement for expenses in the maximum amount of \$2,709.96;

4. B. I. Litowich, services in obtaining adjustment of income taxes, final compensation in the maximum amount of \$8,035.44 and expenses in the maximum amount of \$87.90;

5. Henry S. Buzick, Chairman of Buzick 7% Preferred Stockholders Committee, final compensation in the maximum amount of \$6,000 and reimbursement for expenses in the maximum amount of \$844.42;

6. R. W. Dockstader, member of Buzick 7% Preferred Stockholders Committee, final compensation for services in the maximum amount of \$11,000 and reimbursement for expenses in the maximum amount of \$1,200;

7. R. W. Samuelson, member of Buzick 7% Preferred Stockholders Committee, final compensation in the maximum amount of \$5,000 and reimbursement for expenses in the maximum amount of \$26.39;

8. Seven Per Cent Preferred Stockholders Committee reimbursement for expenses of Committee in maximum amount of \$7,950.63;

9. Burch, Litowich & Royce, counsel to the Buzick 7% Preferred Stockholders Committee, final compensation in the maximum amount of \$30,000 and reimbursement for expenses in the maximum amount of \$7,133.31;

10. Louis R. Gates, Chairman of Gates 6% Preferred Stockholders Committee, final compensation in the maximum amount of \$7,500 and reimbursement for expenses in the maximum amount of \$1,826.69;

11. Gates 6% Preferred Stockholders Committee reimbursement for expenses of Committee in maximum amount of \$13,637.39 together with Gates Committee incurred on November 18, 1938 until the date on which reimbursement for such expenses are made;

12. J. K. Johnston, member of Gates 6% Preferred Stockholders Committee, final compensation in the maximum amount of \$5,000 and reimbursement for expenses in the maximum amount of \$488.54;

13. Haysler A. Poague, Secretary of Gates 6% Preferred Stockholders Committee, final compensation in the maximum amount of \$3,990 and reimbursement for expenses in the maximum amount of \$373.74;

14. Bowersock, Fizzell and Rhodes, counsel to Gates 6% Preferred Stockholders Committee, final compensation in the maximum amount of \$25,000 and reimbursement for expenses in the maximum amount of \$6,924.48;

15. Bowersock, Fizzell and Rhodes, Secretarial service rendered to Gates 6% Preferred Stockholders Committee, final compensation in the maximum amount of \$2,550;

16. Union National Bank, depositary for Gates 6% Preferred Stockholders Committee, final compensation in the maximum amount of \$12,918.51 and reimbursement for expenses in the maximum amount of \$984.13;

17. Planters State Bank, depositary for Buzick 7% Preferred Stockholders Committee, final compensation in the maximum amount of \$11,189.37 and reimbursement for expenses in the maximum amount of \$109.75;

18. A. E. Buening, Chairman of Common Stockholders Protective Committee, final compensation in the maximum amount of \$2,000 and reimbursement for expenses in the maximum amount of \$1,282.62;

19. D. J. Eisenhower, member of Common Stockholders Protective Committee, final compensation in the maximum amount of \$500;

20. Elliott S. Belden, Secretary of Common Stockholders Committee, final compensation in the maximum amount of \$1,000 and reimbursement for expenses in the maximum amount of \$294.29;

21. A. Z. Patterson, counsel to Common Stockholders Protective Committee, final compensation in the maximum amount of \$4,225 and reimbursement for expenses in the maximum amount of \$774.54.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-377; Filed, February 1, 1939;
11:22 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 31st day of January, A. D. 1939.

[File No. 54-10]

IN THE MATTER OF THE NORTH AMERICAN
COMPANY AND NORTH AMERICAN EDISON
COMPANY

ORDER APPROVING APPLICATION AND PER-
MITTING DECLARATION TO BECOME EFFEC-
TIVE

The North American Company, a
registered holding company, incorpo-

rated in New Jersey, and its subsidiary, North American Edison Company, a registered holding company, incorporated in Delaware, having filed a joint application under Section 11 (e) of the Public Utility Holding Company Act of 1935 for the approval of a plan for the simplification of the corporate structure of The North American holding company system pursuant to the requirements of Section 11 (b), to be accomplished through the retirement of all outstanding securities of the applicant, North American Edison Company, other than securities of that company held by The North American Company, the dissolution of North American Edison Company and the transfer of its assets to The North American Company, the latter company then being the sole stockholder; The North American Company having filed declarations pursuant to Section 7 of the Act in regard to (1) a proposed alteration of rights of the holders of its outstanding common and preferred stock, (2) a proposed issuance and sale of preferred stock and debentures, and (3) the assumption of a contingent liability of the Edison Company with respect to a guaranty of certain outstanding bonds issued by Waukesha Gas and Electric Company, in the principal amount of \$500,000; and North American Edison Company having filed an application pursuant to Section 12 (d) for approval of the disposition of its assets;

A public hearing having been held on said applications and declarations after appropriate notice;¹ the applicants and declarants having waived the right to submission of a Trial Examiner's report, submission of proposed findings of fact by the Commission, or by counsel to the Commission, and having further waived any right to file a brief, or briefs, with the Commission and to oral argument prior to the entry of the Commission's findings and opinion and the entry of its order, or orders, herein; and the Commission having considered the record herein, and having filed its findings and opinion and its supplemental findings and opinion, and having entered an order, subject to certain conditions, permitting the declaration filed pursuant to Section 7 of the Act by The North American Company regarding the alteration of the rights of the holders of the outstanding preferred and common stock of that company to become effective, in which order jurisdiction with respect to all other matters involved in this proceeding was expressly reserved; and further hearing having now been had upon said applications and declarations, and the Commission having filed its further findings and opinion herein;

It is ordered, That the declaration filed by The North American Company pursuant to Section 7 regarding,

¹ 4 F. R. 190 DL.

(1) The issuance and sale of \$70,000,000 of debentures in amounts and at interest rates and maturities as follows:

3½ % series due 1949-----	\$20,000,000
3¾ % series due 1954-----	25,000,000
4 % series due 1959-----	25,000,000

(2) The issuance and sale of 696,580 shares of cumulative preferred stock, 5¾ % series, \$50.00 par value;

(3) The assumption by The North American Company of a contingent liability in connection with the above-mentioned bonds in the principal amount of \$500,000 issued by Waukesha Gas and Electric Company,

be and become effective forthwith;

It is further ordered, That the plan filed pursuant to Section 11 (e) be, and the same hereby is, approved, as necessary and appropriate to effectuate the provisions of Section 11 (b), and each of the following steps is directed to be taken to consummate said plan:

(1) That The North American Company contribute (subject to the receipt by it of the proceeds from the sale of its new debentures and preferred stock) to North American Edison Company an amount in cash sufficient to enable North American Edison Company to redeem and retire its outstanding debentures and preferred stock, other than debentures and preferred stock issued by North American Edison Company which are owned by The North American Company;

(2) That North American Edison Company be dissolved as soon as practicable after the receipt of the proceeds from the issue and sale of the new securities;

(3) That North American Edison Company transfer the following property to The North American Company for the transfers, discharges, and assumptions hereinafter listed in paragraph (4) below:

(a) 2,295,000 shares of the Common Stock, without par value, of Union Electric Company of Missouri;

(b) 1,050,000 shares of the Common Capital Stock, of the par value of \$20.00 per share, of Wisconsin Electric Power Company;

(c) 13,494 shares of the 6% Preferred Capital Stock, of the par value of \$100 per share, of Wisconsin Electric Power Company;

(d) 78,710 shares of the Preferred Capital Stock, Issue of 1921, 6% Series, of the par value of \$100 per share, of Wisconsin Electric Power Company;

(e) 300,000 shares of the Common Stock, of the par value of \$20.00 per share, of Wisconsin Gas & Electric Company;

(f) 261,250 shares of the Common Stock, of the par value of \$20.00 per share, of Wisconsin Michigan Power Company;

(g) 185 shares of the Preferred Stock, 6% Series, of the par value of \$100 per share, of Wisconsin Michigan Power Company;

(h) 4,000 shares of the Capital Stock, of the par value of \$100 per share, of the Milwaukee Light, Heat & Traction Company;

(i) 4% Note due December 26, 1937, of Milwaukee Light, Heat & Traction Company in the amount of \$15,600, with interest accrued thereon;

(j) 1,847,908 shares of the Common Stock, without par value, of The Cleveland Electric Illuminating Company;

(k) Voting trust certificates for 3,336 shares of the Common Stock, without par value, of Laclede Power & Light Company;

(l) 200 shares of the Capital Stock, without par value, of Wisconsin Securities Company of Delaware;

(m) All cash on hand or in bank at the date of such transfer;

(n) All dividends receivable by North American Edison Company as of the date of such transfer; and

(o) Any other assets of North American Edison Company owned by it at the time of its liquidation;

(4) That The North American Company effect the following transfers, discharges and assumptions:

(a) The following securities issued by North American Edison Company which are owned by The North American Company shall be surrendered to North American Edison Company:

\$226,000 principal amount of 5% debentures, Series A;

\$212,000 principal amount of 5½ % debentures, Series B;

\$257,000 principal amount of 5% debentures, Series C;

19,400 shares of \$6.00 preferred stock, without par value

490,000 shares of common stock, without par value

(b) The open account indebtedness owing by North American Edison Company to The North American Company at the date of the latter's transfer of property to the former, in accordance with paragraph (3), shall be canceled and discharged.

(c) The North American Company shall assume and agree to pay and discharge all current and accrued liabilities of North American Edison Company, existing at the time of the final distribution of its assets, as they become due and payable, such assumption and agreement to include the contingent liability of North American Edison Company in connection

with the above mentioned bonds in the principal amount of \$500,000, of Waukesha Gas and Electric Company;

It is further ordered, That the application filed pursuant to Section 12 of the Act in regard to the disposition by North American Edison Company of the assets hereinbefore itemized be and the same hereby is approved; and

It is further ordered, That this order be subject to the following terms and conditions:

(1) That all acts in connection with said applications and declaration shall be performed in all respects as set forth in, and for the purposes represented by, said applications and declaration; and

(2) That within ten days after the issuance and sale of the securities referred to herein, the declarant, The North American Company, shall file with this Commission a certificate of notification showing that such issue and sale have been effected in accordance with the terms and conditions of, and for the purposes represented by, the applications and declaration; and

(3) That, subject to the receipt by The North American Company of the proceeds from the issue and sale of the securities hereinbefore mentioned, the dissolution of North American Edison Company and the exchanges hereinbefore specified be accomplished as soon as reasonably practicable but in any event within one year from the date of this order; and

(4) That so long as declarant has outstanding any serial preferred stock, as described in the proposed amendment to its articles of incorporation, declarant shall create no reserve of the nature referred to in Article Fourth (e) thereof (other than that already existing and described in the declaration as "Reserve for Contingencies provided from Capital Surplus") otherwise than out of earned surplus, without the express approval of this Commission; and

(5) That no charge shall be made against said "Reserve for Contingencies provided from Capital Surplus" unless in accordance with this Commission's Classification of Accounts for Holding Companies and good accounting practice, and after thirty days' notice to this Commission that declarant proposes to make such charge; and

(6) That the Commission reserves jurisdiction with respect to the accounting entries to be made on The North American Company's books reflecting these transactions.

By the Commission.

[SEAL]

FRANCIS P. BRASSON,
Secretary.

[F. R. Doc. 39-381; Filed, February 1, 1939; 12:33 p. m.]